

**REMARKS****1. Claims Amendment**

Claim 1 has been amended to clarify that the indicator visually indicates that the food is cooked to a desired temperature and doneness. Support for this amendment can be found on page 9, lines 28-30 of the Specification as originally filed. No new matter has been added.

Claim 2 has not been amended in this amendment.

Claim 3 has been amended to correct a typographic error. No new matter has been added.

Claims 4-8 have not been amended in this amendment.

Claim 9 has been amended to correct a typographic error. No new matter has been added.

Claims 10-17 have not been amended in this amendment.

Claim 18 has been amended to clarify that the indicator starts from a position partially protruding from the barrel. Support for this amendment can be found on page 7, lines 14-16 of the Specification as originally filed. Claim 18 also has been amended to clarify that the indicator visually indicates that the food is cooked to a desired temperature and doneness. Support for this amendment can be found on page 9, lines 28-30 of the Specification as originally filed. No new matter has been added.

Claim 19 has not been amended in this amendment.

Claim 20 has been amended to correct a typographic error. No new matter has been added.

Claims 21-25 have not been amended in this amendment.

Claim 26 has been amended to correct a typographic error. No new matter has been added.

Claims 27-34 have not been amended in this amendment.

Claim 35 has been amended to include the general subject matter of Claims 36-39. Claim 35 also has been amended to clarify that the indicator visually indicates that the food is cooked to a desired temperature and doneness. Support for this

amendment can be found on page 9, lines 28-30 of the Specification as originally filed. No new matter has been added.

Claims 36-37 have been cancelled as redundant.

Claim 38 has been amended to include the more specific subject matter of Claims 36-37. No new matter has been added.

Claim 39 has been cancelled as redundant.

Claims 40-42 have been amended to depend from Claim 38 based on the cancellation of Claims 36 and 37. No new matter has been added.

Claim 43 has been amended to correct a typographic error and to depend from Claim 38. No new matter has been added.

**2. Claims 1 and 18 Are Not Anticipated Under 35 USC 102 By US Patent No. 5144880 to Schmidt**

Claims 1 and 18 have been rejected under 35 USC 102 as being anticipated by US Patent No. 5144880 to Schmidt (Schmidt '880). Applicants respectfully traverse this rejection. Schmidt '880 discloses a device used only for decorating food and not for visually indicating whether food is cooked to a desired doneness, in no way even discusses or teaches the use of a device to visually indicate whether food has been cooked, and merely is a heat activated device that ejects a flag when heated. More specifically, Schmidt '880 discloses a food decorating device in which a heat expandable material, when heated, forces a decorative display out of a barrel previously inserted into a food item, and does not disclose or claim the use of a device for the cooking of food, or a device in which a temperature indicator moves from a first position to a second position to indicate that the food has been cooked from an uncooked state to a cooked state and to a desired temperature and doneness, as now claimed in Claims 1 and 18. Schmidt '880 specifically discloses a device that is initially either invisible or almost invisible, unlike the present invention, which due to food safety considerations, must always be visible. Further, as now claimed in Claim 18, the indicator of the present invention starts out partially protruding from the barrel, unlike the Schmidt '880 device. In more blunt terms, while the Schmidt '880 device is a decoration for food and is effective whether or not the food is cooked (and does not even care), the

present invention is an idiot light to tell the user when the food is cooked to a desired temperature (that is, when the food is done).

As can be seen, Schmidt '880 does not anticipate the claims of the present invention. Applicant respectfully requests that the Examiner reconsider and withdraw this ground for rejection.

**3. Claims 2-17 and 19-43 Are Not Obvious Under 35 USC 103 Over The Cited Art.**

The amendments to Claims 1, 18 and 35 moot the obviousness rejections of Claims 2-17, 19-34, and 37-43. Claim 35 now is a best mode claim, claiming all of the elements of one of the best modes of the invention. As Applicants assert that independent Claims 1, 18 and 35 are allowable, the remaining dependent claims, all of which depend directly or ultimately from independent Claims 1, 18 and 35, also are allowable. Applicant also incorporates the arguments regarding the undesirability of using hot melt glues with food products contained in the previous response.

In summary, the examiner has rejected the claims of the present application over a decoration using an expandable material and four different hot melt adhesives. Applicant submits that all of the cited patents are unrelated to the present invention, do not teach what the present invention teaches, would not be referred to by those skilled in the temperature indicating field when developing the invention, and that the claims as they were originally filed are patentable over this cited art.

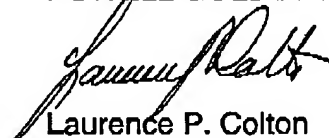
**CONCLUSION**

As the present invention is not fairly taught by or related to the subject matter of the cited references, the cited references cannot and do not anticipate or make obvious the present invention as claimed, and Applicant requests that these grounds for rejection be withdrawn.

Applicant submits that the patent application is in proper condition for allowance, and respectfully requests such action.

If the Commissioner or the Examiner has any questions that can be resolved over the telephone, please contact the below signed patent attorney of record.

Respectfully submitted,  
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